THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 26th June, 2006

W.P.Nos.5574, 5583, 6028, 6029, 6032 and 6053 of 2006

W.P.No.5574 of 2006

Between:

Voltas Employees Cooperative
House Building Society Ltd.,
Rep.by its President Sri M.Ellamaiah … Petitioner
and another

and

The A.P. Cooperative Tribunal,
Chandravihar Building, Nampally,
Hyderabad & another … Respondents

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W.P.Nos.5574, 5583, 6028, 6029, 6032 and 6053 of 2006

COMMON ORDER:

In all these Writ Petitions, a common question of law and fact arises for consideration; therefore, they are being disposed of by this common Order.

Heard both sides and perused the entire material made available on record.

It appears that the 2nd respondent in all these Writ Petitions are the members of Voltas Employees Cooperative House Building Society Limited. They were served with a notice asking them to furnish information as to whether they are in possession of any house/plot in any other Cooperative Society as per Bye-law No.53 of the Society. It seems, the 2nd respondent-members have not furnished any information. Therefore, a general body was called for. According to the petitioners, in the general body, the 2nd respondent-members have not explained or submitted any written submissions. As such, the general body passed a resolution disqualifying the 2nd respondent-members of the Society under Section 21(1)(h) read with Section 21(3) of the A.P. Cooperative Societies Act,1964. Aggrieved by the same, the 2nd respondent-members filed C.T.As before the Tribunal. The Cooperative Tribunal, after considering the arguments of both sides, found that the respondent-members were not given reasonable opportunity. Further, it is also not clear that whether the

resolution was approved by 2/3rd of the members present and voted at the general body meeting. Ultimately, the appeals were allowed finding that the petitioners herein while passing the impugned Orders violated the principles of natural justice. Aggrieved by the same, the President and Secretary of the Society filed the present Writ Petitions.

I am of the opinion that once there is a finding of fact, after perusing the records by the Tribunal, that the 2nd respondent-members were not given proper opportunity before they were disqualified in the general body, the same cannot be found fault with, in exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the Writ Petitions are liable to be dismissed.

Accordingly, the Writ Petitions are dismissed. However, the petitioner-society is at liberty to ask for such information as required under law from the 2nd respondent-members and take appropriate decision after putting them on notice, as per law. No costs.

26-6-2006

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